

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff,

Plaintiff,

v.

CREDIT SUISSE AG; CREDIT SUISSE AG,
NASSAU BRANCH; CREDIT SUISSE
(LUXEMBOURG) SA; CREDIT SUISSE
INTERNATIONAL; CREDIT SUISSE
NOMINEES (GUERNSEY) LIMITED; CREDIT
SUISSE LONDON NOMINEES LIMITED; and
CREDIT SUISSE (UK) LIMITED;

Defendants.

Adv. Pro. No. 11-02925 (CGM)

STIPULATION AND ORDER

WHEREAS, on December 11, 2011, Irving H. Picard (the “Trustee”), as Trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the substantively consolidated chapter 7 estate of Bernard L. Madoff filed a complaint against the original defendants in this

adversary proceeding seeking to recover avoidable transfers from BLMIS under section 550 of the Bankruptcy Code (the “Complaint”), ECF No. 1; and

WHEREAS, on March 29, 2022, this Court so-ordered a stipulation between the Trustee and the original defendants (i) providing that the Complaint is deemed amended to reflect that the above-captioned defendants (“Defendants” and, together with the Trustee, the “Parties”), and not certain defendants as originally named, are the defendants in this adversary proceeding, and (ii) dismissing Counts Four and Five of the Complaint, which sought to recover transfers allegedly received by certain defendants from Kingate Global Fund Ltd. and Kingate Euro Fund Ltd., respectively, ECF No. 101.

IT IS HEREBY STIPULATED AND AGREED by and between the Parties by the endorsement of their counsel below, that:

1. Defendants shall respond to the Complaint as amended by stipulation by **June 15, 2022**. If any Defendants file a motion to dismiss the complaint, such motion shall set forth any and all grounds for dismissal at the pleading stage. The Trustee shall respond to the motion by **August 15, 2022**, and such Defendants shall file their reply by **September 15, 2022**.

2. If any Defendants file such a motion to dismiss the Complaint, the parties shall seek oral argument on the motion at the Court’s first available convenience. The deadlines established by this Stipulation and Order are without prejudice to any party seeking future extensions of time.

3. The Parties reserve all rights, arguments, objections and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses, including, without limitation, challenges to personal jurisdiction or to the jurisdiction of this Court.

Dated: New York, New York
April 13, 2022

**WINDELS MARX LANE &
MITTENDORF, LLP**

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*Special Counsel to Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
for the Chapter 7 Estate of Bernard L. Madoff*

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Attorneys for Defendants

SO ORDERED:

**Dated: April 15, 2022
Poughkeepsie, New York**

{12030356;1}



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**